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Scientists in Short Supply But the Press Ignores McCarthy's Victims at Ft. Monmouth, See Page 3.

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Stevenson Hitches on To That Misguided Missile

It is often difficult for us to understand what, if any, issues are involved when a Krushchev ousts a Kaganovich. It must often be as difficult for a Russian to understand just how our two parties differ. When Adlai Stevenson finds it possible to work in friendly harness with John Foster Dulles, is the two party system real? Does it any longer give thoughtful Americans a choice on the ultimate issue of war or peace?

Twice Mr. Stevenson made Mr. Dulles rather than Mr. Eisenhower his main target in running for the Presidency. Today, when the need for a change has been dramatically demonstrated, Mr. Stevenson bolsters Mr. Dulles's sagging fortunes by moving in with him. Mr. Stevenson has hitched himself to the man he called a misguided missile.

They Have Him on The Old School Tie

Of course, in one sense, Mr. Stevenson can claim that he has not given up his freedom to criticize. But in another and more realistic sense, he has. One cannot work with people, proffer them advice, act as part of a team, and then criticize the result publicly and freely. The old school tie will bind Adlai now.

To his liberal friends in the newspaper fraternity, Mr. Stevenson drops engaging hints of fundamental differences with the Administration. The fact that he does not see eye to eye with Mr. Dulles is described, in familiar journalese, as "no secret" which is another way of saying that no one is any longer quite sure just how and where he differs. As the *New York Times* put it (Nov. 13), "Mr. Stevenson has made no secret of the fact that he is not *fully* in agreement with *some* of the policies and methods of the Eisenhower Administration." The italics are added. Which policies? What methods? How fully? Must we become telepathic to tune in on Mr. Stevenson's leadership?

Publicly Mr. Stevenson says nothing which could not have been cleared at the State Department. In his statement of November 17, disarmament "at least nuclear disarmament" is still piously included, but in subordinate place, as an afterthought. At a moment when the intercontinental missile poses the simple issue of co-existence or co-annihilation, when the urgent necessity is to learn to live together with the Russians on a dwindling planet, when Western Europe is only a 10-minute transit point on the ICBM trajectory, his reaction to Sputnik is to strengthen NATO. With IRBM's we do not yet possess?

The same mirror image thinking which leads us to fear from Them what we know they have to fear from Us is also evident in Mr. Stevenson. What on solemn consideration he now expects from them (he said on Nov. 17) is limited war, presumably since that is now the newest fashion in the Pentagon. We seem as sure our changing military doctrines will be universally imitated as the Paris couturier is that what he designs today, the outside world will copy tomorrow. These happy hunches will do in the world of millinery. But aren't they a little giddy when the headgear may have to fit over an atomic warhead?

Oh

Q. Mr. Secretary, have we really got an operational IRBM [Intermediate Range Ballistic Missile], and if so, have we got enough to be distributing them around to other countries?

A. No, we haven't got them at the moment. We have them in prospect.

—Secretary Dulles, press conference, Nov. 19.

Our foreign allies are uneasy about Mr. Dulles. They may become as uneasy about Mr. Stevenson when they see how rapidly and easily he speaks (in the Nov. 17 statement) of "Communist aggression as in Greece, Korea, Indochina and Malaya." These lump together in the familiar simple-minded State Department way very dissimilar situations—an internal revolt in Greece, war between two sections of a divided country in Korea, a long smoldering nationalist revolution which French blindness turned Communist in Indochina, a guerrilla insurrection in Malaya. The prevention, the solution, for each of these situations is quite different. A man who thinks in such oversimplified stereotypes offers little promise of fresh leadership anyway.

Is Twice as Dead, Deader than Once?

To look at the foreign policy statement of the Democratic Advisory Council and the President's recent speeches is to see no differences sufficient to keep Mr. Stevenson from taking up quarters at the State Department. Basically both the Democrats and the President believe that since we and the Russians can now shoot each other dead, the solution is to hurry up and create the capacity to shoot them dead *twice* when they shoot us dead once. This is what schoolyard von Clausewitzes knew as the massive deterrence of the Double-Dee-Dare-You.

Bipartisanship comes easy to the Democratic party leadership and to Mr. Stevenson because they share the bankrupt cold war thinking of their opponents. Mr. Stevenson's office across the hall from Mr. Dulles's symbolizes a fundamental agreement. It is significant that the Democrats and Mr. Stevenson, like the President, show themselves willing to spend billions more on arms, but both are silent when it comes to spending on the race which will really determine the future if there is peace, the race to raise the level of public education.

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Little Noted Obscenity Decision Now Seized On For Wider Surveillance

The Roman Catholic Hierarchy Prepares to Police American Literature

A little noticed Supreme Court decision of last June, upholding the Federal government's right to suppress obscene literature, has been seized upon by our Roman Catholic Bishops to justify the launching of a National Office for Decent Literature to do for books what the Legion of Decency does for the movies.

Their joint statement (as the quotation in the adjoining box shows) asserts the right to impose limits on freedom of publishing which go beyond the area of obscenity. The philosophy is, of course, that of their Church, which believes in a system of revealed dogma rather than freedom of thought.

The Holy Office—which once presided over the Inquisition—has long used an Index of forbidden books (among them many of mankind's great classics) in its war against Error. The new National Office is potentially a serious threat to freedom of expression. The very name is disturbing.

The Misgivings Were Well-Founded

A wider censorship was not intended but it was invited by the loose language Mr. Justice Brennan used last June in upholding the conviction of a bookseller, Roth, under the Federal statute and of another, Alberts, under a similar California law. Chief Justice Warren, one of four Justices to express misgivings, concurred in the result but warned that "the broad language" of the majority "may eventually be applied to the arts and sciences and freedom of communication."

Mr. Justice Harlan concurred with reluctance in the California case, and dissented with vigor in the Federal. He thought some State regulation bearable. He said he was prepared to let one State ban D. H. Lawrence so long as his books could still be read in another. But he thought it "intolerable and violative of both the letter and spirit of the First Amendment" to set up a Federal censorship under cover of an anti-obscenity statute.

The majority decision was bad logic and bad history. Brennan, Frankfurter, Burton, Clark and Whittaker argue from the existence in 1776 of *State* laws against libel and blasphemy that the Framers of the First Amendment could not have meant it when they said "Congress shall make *no* law" abridging freedom of speech, press or assembly. The testimony of Madison and Jefferson shows that the Federal government, unlike the States was not intended to exercise any authority over the press. *

The Judges who joined in the decision accepted the trial judge's ruling in the Roth case that the jury might hold obscene anything which "offends the common conscience of the community." Douglas eloquently dissenting for himself and Black termed this "community censorship in one of its worst forms."

A Holy Office for the USA?

". . . Freedom of expression is not an absolute freedom . . . liberty has a moral dimension . . . liberty is exercised within bounds fixed by . . . a regard for public order, and a positive deference to those human, moral and social values which are our common Christian heritage. It is within this context that freedom of expression is rightly understood.

"This recognition of limitations has been given statement in recent decisions of the Supreme Court of the United States. 'We hold that obscenity is not within the area of constitutionally protected speech or press.' (Roth v. U. S.)."

—The Roman Catholic Bishops on "Bad" Books.

"I have the same confidence in the ability of our people to reject noxious literature as I have in their capacity to sort out the true from the false in theology, economics, politics or any other field."

—Douglas and Black dissenting in Roth v. U.S.

What Interest More Important?

The Brennan decision qualified the First Amendment in the very act of upholding it. The Justice wrote, "All ideas having *even the slightest redeeming social importance*—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties, *unless excludable because they encroach upon the limited area of more important interests.*" (Italics added)

What if a Court holds in the future that certain ideas have no social importance, or that they encroach upon "more important interests"? (What could be more important than freedom of thought?) Similarly, the decision says the First Amendment protests the literature of sex except when treated "in a manner appealing to prurient interest." The prurient can find prurience in the Bible, the Talmud and the Church Fathers as well as in Chaucer and James Joyce. This is no civilized standard. The campaign launched by the Bishops illustrates the dangers, though there is all too little protest.

*** A brilliant deflation of the legal, historical, and sociological fallacies of the majority decision may be found in the late Judge Jerome Frank's regretfully concurring opinion in the Roth case when it was before the Second Circuit, 237 F.2d 797, and in a State decision to which he paid tribute, Judge Curtis Bok in 66 Pa. D & C 101.**

How Blame Delinquency on "Bad" Books When Bad Boys Don't Read?

"Who can deny that in modern American life there are many grave moral problems . . . when the National Council of Juvenile Court Judges attacks vicious and evil publications as a major cause of . . . juvenile delinquency . . . ?"

—Statement of the U.S. Roman Catholic Bishops

"Scientific studies of juvenile delinquency demonstrate that those who get into trouble, and are the greatest concern of the advocates of censorship, are far less inclined to read than those who do not become delinquent. . . . Sheldon and Eleanor Glueck, who are among the country's leading authorities on the treatment and causes of juvenile delinquency, have recently published the results of a ten year study of its causes . . . but the Gluecks gave no consideration to the type of reading material, if any, read by the delinquents. This is, of course, consistent with their finding that delinquents read very little. . . . The Kinsey studies show the minor degree to which literature serves as a potent sexual stimulant.

—Lockhart & McClure: Literature, The Law of Obscenity and The Constitution. 38 Minn. L. Rev. 295, 387 quoted by Douglas (with Black) dissenting in Roth v. U.S., 354 U.S. 476, June 24, 1957.

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Why Is The Press Afraid to Open Up This Story of Wasted Scientific Capacity?

Two Physicists and Three Engineers Whom McCarthy Cast Into Limbo

It is extraordinary how little interest the press has shown in Judge Alexander Holtzoff's decision in Federal Court here rejecting the appeal of the Ft. Monmouth Six for reinstatement. This is not only the first round in what their counsel, Thurman Arnold, believes will be an historic legal battle but a vivid example of the kind of flimsy charges and secret procedures which keep hundreds of competent technicians blacklisted.

In the wake of Sputnik and in the midst of an almost hysterical concern with the shortage of scientists and engineers, there has been a curious journalistic indifference to the story of these poor victims of the headline-hunting raid McCarthy made on the Army signal corps laboratories at Ft. Monmouth, N. J., in 1953.

One Working In A Hi-Fi Shop

Two physicists, three engineers and a stenographer are involved in these cases which will be appealed to the Supreme Court. One of the victims, Hyam Gerber Yamins, was one of the inventors of portable radar during World War II. Another, Aaron H. Coleman, was one of the chief architects of the U. S. anti-aircraft radar defense warning system. Of the five technicians, none has been able to get employment in private industry of the kind to which their qualifications entitle them; one is in a Hi-Fi shop.

The Ft. Monmouth physicists and engineers are typical of many hundreds of able technicians who remain blacklisted and wasted in menial jobs. They not only cannot work in government but will not be hired by any important industrial or engineering concern.

No One Seems Interested

After Judge Holtzoff ruled that the Federal government is under no obligation to grant a fair hearing to discharged employes, friends appealed to the *New York Times* and the *Washington Post* to make this decision the starting point of a general survey into cases of this kind. Neither justice to men who have suffered (several of the Ft. Monmouth victims were made ill) nor concern for the country's scientific needs was enough to spark interest.

We hope this may stir some larger publication to a thorough examination of what is a scandal from the standpoint both of law and science. Those who examine the complaints filed in the District Court and the government's answers will be struck first of all by the thinness of the "charges" as contrasted with the testimonies from commanding officers attesting the good work and reliability of the accused.

Science Has Arrived

"'If I were a well-known hostess, I know who I would try to get as my social lion,' said a Washington woman the other day. 'I'd inveigle Dr. Wernher von Braun to my dinner table — the head of the Army's Redstone Missile Project and sooooo—handsome.'

"'You know who I'd ask right now if he were here?' put in another. 'Col. John P. Nickerson, the officer who was 'exiled' to Panama for trying to promote the Army's Redstone missile project. If you ask me, he's the Billy Mitchell of today.'

"So there you are, Capital hostesses. If you want to get ahead of the game, bone up on your science and make out a new list loaded with gray matter."

—Betty Beale, Washington Post society columnist.

No Fifth Amendment Men Among Them

In the prolonged and exhaustive investigations to which all have been subject, none has been accused of wrongdoing. None has been accused even of having been a Communist; the nearest charge to this is the allegation that one of them once attended a meeting of the Young Communist League in 1937.

Here are some sample allegations against them: that the mother of one was a registered member of the American Labor Party; that one plaintiff was a member of the American Veterans Committee; that one was a member of the New Jersey Independent Citizens League; that one "declared the Communist party an ineffectual party that should be permitted to operate legally and not be suppressed"; that another once expressed favorable views of the Russian government and said "the United States Government was too liberal!"

They Wouldn't Have Been Fired Today

The plain truth is that these men were fired for fear of McCarthy. The Army got rid of anyone at Ft. Monmouth with the slightest personal or family connection with anything that smelled even slightly of radicalism lest McCarthy dig this up and use it in his feud with the Army. Probably none of these people would be discharged today if brought up on similar "charges" under current procedures in the current atmosphere. The Army, once having made a mistake, is unwilling to admit it.

But why with McCarthy dead, the witch hunt on the wane, and the shortage of scientists and engineers serious, do none of the big papers of the country open these cases up for public inspection and put an end to this kind of injustice and waste of human resources?

That Statue in New York Harbor Should Have Been Investigated Long Ago

Lieut. Buckley: Well, did this social group to which your parents belong have that unenviable reputation of being Communist in nature, so that somebody might have reported that social group as a Communist group?

Miss Levine: No.

Q. Does that social group have a name?

A. Yes.

Q. What is it? A. Emma Lazarus.

Lt. Buckley: Not being a linguist, I don't know whether that has a translation or whether it is the name of some individual.

Mr. Katchen (defense counsel): Lazarus happens to be the name of the woman who coined the phrase on our Statue of Liberty. That is, 'Our doors are open to all ye who are persecuted' or something like that. . . . Emma Lazarus is the poetess who is responsible for that quotation and it is a name frequently used by many Jewish cultural groups.

—Before the First Army Security Hearing Board in the Case of Bernice Levine, One of the Ft. Monmouth "Six"

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Judicial Blows at the Smith Act, Trade Union Racism and Nazi Collaborators

The Eisenhower Administration Risks Another Flare-Up in Little Rock

To test public opinion the Eisenhower Administration deliberately leaked its plan to withdraw Federal troops from Little Rock and replace them with "selected" National Guardsmen under Army command by Thanksgiving. The last time selected Guardsmen were used by the Army inside the school they looked the other way when Negro children were attacked and had to be withdrawn. Even with the Army in the school, two Negro boys have been attacked inside Central High School during the past two weeks and as one of them said "what's the rush?" about removing Federal troops. The unscrupulous Faubus, avid for a return to the headlines, indicated in his Hot Springs interview with Relman Morin of the AP that he is sticking to his thesis that only "voluntary withdrawal" of the Negro children can solve the problem. Hasn't the White House enough trouble on its hands without giving Faubus a chance to set Little Rock ablaze again?

Judge Hastie Vindicated

Two years ago, before the present trend in the Supreme Court had made itself felt, Judge William H. Hastie on the Third Circuit Court of Appeals in Philadelphia, dissented (with Judge Maris) in the Smith Act case of the Pittsburgh Five; he thought an acquittal should have been directed. Now Judge Hastie for a unanimous court has directed the acquittal of four Smith Act defendants (including the poet Walter Lowenfels) in the case of the Philadelphia Nine, and ordered a retrial for the remaining five. The Court of Appeals held that under the interpretation of Mr. Justice Harlan for the majority in the California Smith Act cases (*Yates*) there had to be some proof that defendants had advocated "concrete action" toward overthrow and not just theoretical doctrines. We are making progress. When is the Soviet Union, in that long promised revision of its criminal code, going to take similar steps to ameliorate its "Smith Act," the law against counter-revolutionary crime, which is vaguer even than ours?

The Supreme Court in a unanimous decision by Mr. Justice Black last Monday struck a blow against a particularly obnoxious form of racism—the abuse of collective bargaining rights by such unions as the Brotherhood of Railway and Steamship Clerks to take jobs away from their Negro members and give them to whites. The lily white attitude of the railway brotherhoods generally has been a scandal. . . . The Court also cast a pall on the hopes of Nazi-collaborating I. G. Farben to recover its American properties when Fritz von Opel was refused a review of a lower court decision rejecting a similar suit exploiting a Swiss corporate cloak similar to that used by I. G.

In Hearst's New York Mirror, Nov. 19, Fulton Lewis, Jr., crusades against the Crusade for Freedom, saying "One top Congressional investigator who has interviewed literally thousands of Iron Curtain escapees" and asked every one about Radio Free Europe informed him that "less than one percent of them have ever heard it, or heard of it." Lewis, whose Soviet sympathies have hitherto been well hidden, claims RFE transmitters are short wave, "and short wave receivers in satellite countries are very scarce."

Lee Mortimer, Winchell's stand-in, same paper, same day, reports in alarm that the President's new scientific adviser, Dr. Killian of M. I. T. "signed a resolution in 1951 urging the withdrawal of U. S. troops from Korea and Nationalist China and the recognition of Red China. He defended Dirk Struik . . . still teaching at M. I. T." and furthermore "Dr. Rabi, the White House adviser on missiles, testified in favor of Oppenheimer. . . ." We suggest the FBI throw a cordon around the White House right away.

IFS to Speak in Mass. and Calif.

IFS will be featured at a week-end seminar by the American Friends Service Committee at Woolman Hall, Deerfield, Mass., Nov. 29 and will speak for the Committee Against Nuclear Testing in Charles St. Meeting House, Boston, 4 p. m. Sunday, Dec. 1.

IFS will speak for the live-wire Women for Legislative action on "The Real Challenge of the Sputnik" in Los Angeles Dec. 17 at a place to be announced and has First Unitarian Church, San Francisco, tentatively reserved for Dec. 13 on the question of peace and the arms race, if there is enough advance response from readers of the Weekly in Northern California.

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